PART IV.

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L.S. 30—L.W. 173-51-6, dated Bangalore, 4th April 1952.

In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) and in supersession of the Mysore Payment of Wages (Procedure) Rules, 1948, His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been previously published in the *Mysore Gazette*," dated 1st November 1951 as required by sub-section (5) of said section.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

1. These rules may be called the "Mysore Payment of Wages (Procedure) Rules, 1952". Short title.

2. In these rules, unless there is anything repugnant in the subject or context— Definition.

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "appeal" means an appeal under Section 17;

(*c*) "the Authority" means the authority appointed under sub-section (1) of section 15;

(*d*) "the Court" means the court mentioned in sub-section (1) of section 17;

(*e*) "employer" includes the persons responsible for the payment of wages under section 3;

(*f*) "section" means a section of the Act;

(*g*) "form" means a form appended to these rules;

(*h*) words and expressions used in these rules but not defined, shall be deemed to have the same meaning as in the Act.

Form of application.

3. Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B, or Form C as the case may be, one copy of which shall bear such court-fee as is prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951.

Authorisation.

4. The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

Permission to appear.

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which, in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

Presentation of document.

6. (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during the hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

Refusal to entertain application.

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, Or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15, Or

(*c*) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been rectified the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

Appearance of parties.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

Record of proceedings.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

Signature on forms.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Exercise of powers.

11. In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule to the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

Appeals.

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the court-fee prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged, a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary may confirm, vary, or set a side the direction from which the appeal is preferred, and shall make an order accordingly.

Inspection documents.

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filled with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of the fees fixed under rule 21 of the Mysore Payment of Wages Rules, 1951.

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FORM A

Form of individual Application.

[*See* sub-section (2) of section 15 of the Payment of Wages Act].

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C.....Applicant.

(through a legal practitioner),

an official of

Which is a registered Trade Union.

And X. Y, Z.....Opposite party.

The applicant states as follows :—

1. A. B. C. is a person employed in/on the.....

Factory/Industrial establishment entitled.....

and resides at.....

The address of the applicant for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is.....

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)

Or a sum of (amount) has been unlawfully deducted from his wages of (amount) for the wage period (s) which ended on (give date/s).

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

or refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of Registered Trade Union duly authorised.

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FORM B.

FORM OF GROUP APPLICATION.

[*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C. and (state the number) others, ... applicants ; (through a legal practitioner/an official of which is a registered Trade Union).

And X. Y. Z. Opposite party.

The applicants state as follows :—

1. The applicants whose names apper in the attached schedule are persons employed in/on the factory/industrial establishment entitled.. .....

.....The address of the applicants for the service of all notices and processes is..... .....

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is.....

...3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

5. The applicants pray that a direction may be issued under sub section (3) of section 15 for—

(*a*) Payment of the applicants' delayed wages as estimated..... or such greater or lesser amount as the Authority may find to be due .....

(*b*) Compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a Registered Trade Union duly authorised.

SCHEDULE.

Names of Applicants.

1. .....
2. .....
3. .....
4. .....

FORM C.

Form of Application by an Inspector or persons permitted by the Authority or authorised to act.

[*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act, for.....area.

Application No.....of 195

Between A. B. C., (designation) (an Inspector under the Payment of Wages Act) (or a person permitted by the Authority, authorised to act under sub-section (2) of section 15.....
.....Applicant.

And X. Y. Z., the Opposite party.

The applicants state as follows :—

1. X. Y. Z., the opposite party, is the person responsible under the Act for the payment of wages to the following person(s):—

(1) .....
(2) .....
(3) .....

2. His address for the service of all notices and processes is.....

3. The wages of the said person (s) due in respect of the following wage period (s) have not been paid/have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person (s) employed at the sum of Rs.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature

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FORM D.

CERTIFICATE OF AUTHORISATION.

I/We, employed person(s) hereby authorise a legal practitioner/ an official of.....which is a registered trade union to act on my/ our behalf under section 15, and section 17 of the Payment of Wages Act (IV of 1936) in respect of the claim against.....on account of the delay in payment of/illegal deductions from my/our wages.

Witnesses (1) .....
(2) .....
(3) .....
(4) .....

Signature(s) (1) .....
(2) .....
(3) .....
(4) .....

I accept the authorisation.

Signature.

Legal Practitioner/Official of a Registered Trade Union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To

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WHEREAS under the Payment of Wages Act, 1936, (Central Act IV of 1936), a claim against you has been presented to me, in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on day of.....195 , at o'clock in the fore/after-noon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day above-mentioned, the application will be heard and determined in your absence.

Given under my hand and seal this.....day of.....195 .

(Seal)

Authority.

FORM F.

RECORD OF DIRECTION.

(1) Serial Number.
(2) Date of application.
(3) Name or names, parentage, address or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group.
(4) Name and address of the employer.
(5) Amount claimed :—
    (*a*) as delayed wages ; Rs.
    (*b*) as deducted from wages ; Rs.
(6) Plea of the employer and his examination (if any) :—
(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor:—

Rs.

(8) Amounts awarded :—
    (*a*) Delayed wages.
    (*b*) Deducted wages.

(9) Compensation awarded.
(10) Penalty imposed.
(11) Costs awarded to :—
    (i) Court fee charges.
    (ii) Pleader's fee.
    (iii) Witnesses' expenses.

Signed.....

Dated.....

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

Notice to Respondent of the day fixed for the hearing of the Appeal under Section 17 of the Payment of Wages Act, 1936.

Appeal from the decision of the Authority for the area, dated..... day of.....195 .

Respondent.

To

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for.....area has been presented by X.Y.Z. (and others), and registered in this Court, and that the.....day of.....195 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day..... .....of.....195 .

Judge.

(Seal of the court).

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